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International Court of Justice

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A ne pas publier avant présentation devant le tribunal en session publique et seulement la partie reellement versee au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jener Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

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Joachim von Ribbentrop

= -- -

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CERTIFICATE OF TRANSLATION

22 March 1946.

We, P/O. BETTY D. RICHARDSON, W.R.N.S., 66370, EVELYN WITT, 110560, hereby certify that we are thoroughly conversant with the English and German languages; and that the above is a true and correct translation.

P/O. BETTY D. RICHARDSON
W.R.N.S., 66370

EVELYN WITT
110560

H0784 – 0036

Notice.

Not to be publicized until presented before the tribunal in open court and then only that portion actually submitted as evidence.

A ne pas publier avant présentation devant le tribunal en session publique et seulement la partie reellement versee au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal in oeffentlicher Sitzung und dann nur jener Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

H0784 - 0037

C o p y

USA - Exhibit No 5 Doc. PS 2829

POSITIONS HELD BY JOACHIM VON RIBBENTROP

1. Member of NSDAP (Nazi Party) 1932 - 1945
2. Reichstag Member 1933 - 1945
3. Foreign Policy Collaborator to the Fuehrer 1933 - 1938
4. Special Delegate for Disarmament Questions 1934 - 1935
5. Ambassador at Large 1935 - 1936
6. Ambassador in London 1936 - 1938
7. Organizer and Chief of the Ribbentrop Bureau (Dienststelle Ribbentrop) on the staff of the Deputy.
8. Reichsminister for Foreign Affairs 1938 - 1945
10. General of the SS (Obergruppenfuehrer) 1938 - 1945

Ehrenmitglied (Honorary Member)

I certify that the above and foregoing correctly lists positions I held from 1932 to 1945.

Done at Nurnberg, Germany, 9 November 1945.

signed: J. v. Ribbentrop

Witness to Signature:
(signed) Dr. Froeschmann

Copy certified by:
(signed) Dr. Horn

Dr. Horn
Attorney-at-Law

H0784-0038

Copy.

Me - Ri 22 April 1943 D 472 G B 130

From: International Biograhical Archives

Joachim von Ribbentrop
Reich Minister of Foreign Affairs, SS-Obergruppenfuehrer

.....
Ribbentrop now turned to commercial activity, as proprietor of an import-and export house, the main business of which was the buying and selling of wine. This activity led to his marriage to Anna Henkell, the daughter of the owner of the world-wide known German champagne firm. Five children have sprung from this marriage up to the present time. Following up his connection with foreign countries, he established new relations with England and France; in the service of the Nazi Party since 1930, he knew how to extend them to political circles. R. has been a party member since 1932.

During the time of the final struggle for power within the Reich, Ribbentrop played an important part in successfully arranging the decisive meetings between the representatives of the Reich President and the leaders of the NSDAP during which they prepared for the seizure of power on January 30,1933, even though his activities were not known to the public. The meetings took place also those between Hitler and von Papen, - at Ribbentrop's home in Berlin-Dahlem. Also, after 30 January 1933 Ribbentrop remained the confidential deputy of the Fuehrer for conference with foreign statemen and politcians, until he was appointed s p e c i a l d e p u t y f o r d i s a r m a m e n t q u e s t i o n s by Reich President von Hindenburg in April 1934. In this capacity he undertook trips to London and Rome in May 1934, where he contact M u s s o l i n i ; in June he was received in Paris by Ba r t h o u and D o u m e r g u e , in December by L a v a l.

H0784-0039

In September 1933 he was a guest of the leader of the French Veterans G o y.

they were drawn together by the same desire to pave the way for the rappro-
between France
che ment/and Germany through the veterans organizations in the two countries.

.....

Copy certified by

(signed) Dr. Horn

Dr. Horn
Defense Counsel

H0784 - 0040

1337-PS.

Copy.

EXTRACT FROM REICHSGESETZBLATT 1938.

PART I. PAGE 112.

Decree setting up Secret Cabinet Council 4 February 1938.

For my guidance in the conduct of Foreign Policy, I am creating a

Secret Cabinet Council.

I nominate as President of the Secret Cabinet Council:

Reichsminister Freiherr von Neurath.

I appoint as members of the Secret Cabinte;

The Foreign Minister, Joachim von Ribbentrop,

The Prime Minister of Prussia, Minister for Air and the Commander in Chief of the Air Force, Field Marshal Herman Goering,

The Deputy of the Fuehrer, Rudolf Hess,

The Minister for Enlightment and Propaganda, Dr. Josef Goebbels.

The Minister and Head of the Reich Chancellory, Dr. Hans Heinrich Lammers,

The Supreme Commander of the Army, Col. Gen. Walther v. Brauchitsch,

The Supreme Commander of the Navy, Admiral Dr. L.C. Erich Raeder,

Supreme Commander of the Armed Forces, General of the Artillery, Wilhelm Keitel,

H0784 — 0041

The Reichsminister and Head of the Reichschancellory will conduct the current business of the Secret Cabinet Council.

Berlin, 4th February 1938. FUEHRER AND REICHCHANCELLOR

A d o l f H i t l e r

Reichsminister and Head of Reichschancellory,

Dr. L a m m e r s .

---

Copy certified by:

Dr. Martin Horn

Attorney at law.

Ri. Exhibit No.1

Read March 26 1946

C o p y

from: Documents of German Politics Vol. 4.

Page 123.

9. Memorandum of the Government of the German Reich to the Signatary Powers to the Locarno Treaty of March 7, 1936.

Immediately after the publication of the pact, signed on May 2, 1935 between France and the Union of Soviet Socialist Republics, the German government called the attention of the remaining Signatary Powers of the Rhine-pact of Locarno to the fact that the obligations which France has entered by this new pact, cannot be reconciled which the obligations imposed on her by the Rhine pact. At that time, the German government had explained its point of view juridically as well as politically in detail. In the German memorandum of May 25, 1935 the juridical question was explained; the political questions was discussed during the numerous diplomatic talks which followed this memorandum. The participating governments also know that neither their written replies to the German memorandum, nor their arguments presented through diplomatic channels or by public declarations - could sh the opinion of the German government.

As a matter of fact, the entire discussion, since May 1935, in which these questions had been treated in a diplomatic and public manner, could only verify the opinion of the German government in all particulars as expresse at the start.

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1. It is indisputable that the French-Soviet pact is directed exclusively against Germany.

2. It is indisputable that France in this treaty takes on obligations in case of a conflict between Germany and the Soviet Union, which exceed by far her responsibility deriving from the Statute of the League of Nations, and which force her into military action against Germany even, when she can refer neither to a recommendation nor to an existing decision of the Council of the League of Nations.

3. It is indisputable that France, in such a case thus demands the right for herself, to decide, who, in her own opinion, is the aggressor.

4.) Consequently, there is no doubt that France has taken on obligations towards the Soviet Union, which practically mean in practice that she may act in any given case in such a manner as if neither the Statute of the League of Nations nor the Rhine pact, which is bases on and refers to this statute, were valid.

This result of the French-Soviet treaty is not eliminated by the fact that France made the reservation, not to be obliged to undertake military action against Germany, if she would expose herself by such an action to sanctions on the part of the signature powers, Italy and Great Britain.

Despite this reservation, the really decisive fact is that the Rhine pact does not merely rest on the obligations of Great Britain and Italy, but primarily on the obligations entered into be France and Germany concerning their relation

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Consequently the real question is whether France by accepting treaty obligations has kept herself within these limits as regards Germany, which were imposed on her, by the Rhine pact.

This, however, the German government must deny.

The Rhine pact was supposed to achieve the goal of securing peace in Western Europe by having Germany on the one hand, and France and Belgium on the other, renounce for all time the employment of military force in their relations to each other. If, at the conclusion of the pact, certain reservations to this renunciation of war, going beyond the right of self defense had been permitted the political basis was, as is generally known, solely the fact that France had already taken on certain pact-obligations towards Poland and Czechoslovakia which she did not want to sacrifice to the idea of absolut peace- security in the West. Germany at that time resigned herself, with a clear conscience, to these restrictions of the renunciation of war. She did not object to the treaties with Poland and Czechoslovakia, put on the table of Locarno by the representative of France, but only with the self-understood presupposition that these treaties adopt themselves to the structure of the Rhine-pact and not contain any provisions about execution of article 16 of the Statute of the League of Nation, as are provided for in the new French-Soviet agreements. This corresponded also to the contents of this special agreements, which came to the knowledge of the German government at that time. The exceptions permitted in the Rhine pact were by all means not expressly oriented towards Poland and Czechoslovakia, but were formulated in an abstract manner. But it was the sens of all

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negotiations concerning this matter, to find a balance between the German-French renunciation of war and the desire of France for maintaining her pact obligations already in existence. If, thereby, France now uses the abstract formulation of war possibilities, permitted by the Rhine treaty, in order to conclude a new pact against Germany, with a well armed State, if she thus in such a decisive manner limits the application of the renunciation war, agreed upon by her and Germany and if she, by doing so as set forth above, - does not even observe the fixed formal juridical limits, - then she has created thereby a completely new situstic and has destroyed the political system of the Rhine pact as much in theory as in practice.

The latest debates and decisions of the French Parliament have proven, that Fran is resolved - despite German protests - to put in force the pact with the Soviet-Union; a diplomatic discussion has showed that France considers herself already bound by her signature to this pact of May 2 1935. In view of such a development of European politics the German Reich Government cannot remain inactive, if it does not want to neglect or abandon the interests of the German nation with whic duty it is entrusted.

The German government has always emphacised during the negotiations of recent years, that it would maintain and carry out the obligations resulting from the Rhine pact so long as the other partners to the treaty are willing, on their part

to stick to this pact. This self explanatory presupposition cannot any longer be regarded as fullfilled by France. France has replied to the friendly offers and friendly assurances, made again and again by Germany, with a military pact with the Soviet Union, directed exclusively against Germany and in violation of the Rhine pact. Thereby the Rhine pact of Locarno lost its inner meaning and has ceased to exist in any practical sense. For that reason Germany on her part does not consider herself bound any longer to this void pact.

The German government, therefore, is forced to face the new situation, created by this alliance, a situation, which is made more critical by the fact that the French-Soviet pact has found its supplement in a pact of exactly parallel nature - between Czechoslovakia and the Soviet Union. In the interest of the elementary right of a nation to safeguard her borders and for the sake of preserving her possibilities for defense th German Reich Government has therefore reestablished the full and unrestricted sovereignty of the Reich within the demilitarized zone of the Rhineland, effective today.

To prevent any misinterpretation of her intentions to remove all doubt about the purely defensive character of these measures



H0784-0046

H0784 - 0047

as well as to express its eternal, unaltereable longing for a real peace in Europe, between States, having equal rights and esteem, the German Government of the Reich declares its readiness to enter new agreements for the creation of a system for the securing of peace in Europe, on the basis of the following suggestions:

1. The German Government of the Reich declares its willingness to enter negotiations with France and Belgium at once, concerning the creation of a zone, demilitarized on both sides and to agree in advance to accept such a suggestion to every extent and with all effection under the presupposition of complete parity.

2. The Government of the German Reich suggests the conclusion of a non-aggression pact between Germany, France and Belgium, for the purpose of safeguarding the invulnerability and the sanctity of the frontiers in the West, and is ready to fix the duration of this treaty at 25 years.

3. The German Government of the Reich is desirous of inviting England and Italy to sign this treaty as Signatory Powers.

4. The Government of the German Reich agrees to include Holland in this treaty system, if the Royal Dutch Government desires it and the other partners of the treaty deem it as fitting.

5. The German Government of the Reich is ready to conclude an air-treaty among the Western powers for the further strenghtening of these security agreements which is capable of averting the danger of sudden air attacks, automatically and effectively.

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6. The German Government of the Reich repeats its offer, to conclude non-aggression pacts with the States bordering on the Eastern frontier of Germany, similar to the treaty with Poland. Since the Latvian government has somewhat corrected its attitude towards the Memel-territory during the last month, the German Government of the Reich retracts the exception concerning Latvian, which it was once forced to make, and declares its readiness to sign such a non-aggression pact with Latvia too, under the pre supposition of a effective increase of the guaranteed autonomy of the Memel territory.

7. The German Government of the Reich considers the main reason for its former withdrawal from the League of Nations, as eliminated in view of the by now reached final equality of rights for Germany now achieved and the reestablishment of full sovereignty over the entire German territory of the Reich. For this reason, it is ready, to reenter the League of Nations. In doing so, it expresses its expectation that in the course of a fitting period of time the question of the equality of rights as to colonies as well as the question of disconnecting the Statute of the League of Nations from its Versailles basis, shall be clarified by means of amicable negotiations.

---

Correctness of the copy certified by:

signed: Dr. Horn

Attorney-at-Law.

H0784 - 0049

Ri-Exhibit No 2

Copy.

From:

The Dictate of Versailles

by Professor Dr. Fritz Berber.

Page 8

Germany's Note to the United States of 3 October 1918.

The German Government asks the President of the United States of America to take the lead in establishing peace, to inform all war faring Nations of this request and to invite them to delegate plenipotentiaries for the purpose of initiating the negotations. She accepts as a basis for the Peace-negotations the program set down by the President of the United States of America in his message to Congress on 8 January 1918 and in his later manifestations, especially the address of 27 September. In order to avoid further bloodshed, the German Government requests to bring about the immediate conclusion of a general armistice on land, sea and in the air.

Max, Prinz von Baden.

***********************

Copy certified by:

(signed) Mr. Horn
Dr. Martin Horn
attorney at law.

H0784 - 0050

Ri-Exhibit No 3

C o p y.

From:

# T h e  D i c t a t e  o f  V e r s a i l l l e s

by Professor Dr. Fritz Berber.

Page 9

Germany's Note to the United States of 12 October 1918.

The German Government has accepted the points President Wilson presented in his address on 8 January and in his later addresses as the basis for a lasting just peace. The purpose of the negotiations to be initiated would merely be that of reaching an understanding on the practical details of their application.

The German Government assumes that the governments of the powers allied with the United States also adhere to the manifestations of President Wilson.

The German Government, in conjuction with the Austro-Hungarian Government, is willing to accept the President's proposals for evacuation in order to conclude an armistice. They ask the President to occassion the meeting of a joint commission whose duty it would be to make the necessary arrangements for the evacuation.

The present German Government responsible for this move toward peac was formed through negotiations and in accordance with a large majority of the Reichstag. Supported by the will of this majority in all of his acts, the Reich Chancellor acts as the spokesman for the German Government and the German people.

S o l f.

Copy certified by:

(signed) H o r n.

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H0784-0051

Ri-Exhibit No 4

Copy.

From:

The Dictate of Versailles

Page 15

Note of the United States to Germany of 5 November 1918.

I informed you in my note of 23 October 1918 that the President has submitted his exchange of notes to the Governments allied with the United States leaving it to their discretion, in case these Governments are inclined to do so, to bring about peace on the conditions and principles indicated, to request the military advisers and those of the United States to submit to the Governments allied against Germany the necessary conditions for an armistice which would preserve to the full extent the interests of the nations affected and would guarantee the allied Governments the unlimited power to secure and to enforce the details of the peace accepted by the German Government in as much as they consider such an armistice as practicable from a military point of view.

The President is now in reseipt of a memorandum from the allied Governments containing comments about the notes exchanged, which read as follows:

"The Allied Governments have carefully examined the notes exchanged between the President of the United States and the German Government. With the following restrictions they declare their readiness to conclude peace with the German Goverumentoon the basis of the peace conditions which were laid down in the President's address to Congress on 8 January 1918

H0784-0052

as well as of the principles laid down in his subsequent addresses. However, they are compelled to point out that the usual, so-called conception of the freedom of the seas includes different interpretations, some of which they cannot accept. Therefore they must reserve themselves full liberty on this subject on entering the peace conference.

Furthermore the President has declared in his conditions for peace laid down in his address to Congress on 8 January 1918, that the occupied territories must not only be evacuated but also restored. The Allied Governments are of the opinion that no doubt must exist about the meaning of these condition. They understand thereby that Germany must pay reparations for all damages suffered by the civilian population of the Allies and their property due to her attacks on the sea and on land and in the air."

The President has charged me to advise you that he agrees to the interpretation contained in the last part of the memorandum. In addition, the President has instructed me to ask you to inform the German Government that Marshal Foch was authorized by the Government of the United States and the Allied Governments to receive properly accredited representatives of the German Government and to inform them of the conditions of the armistice.

Robert L a n s i n g

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Copy certified by:

(signed) M. Horn

Dr. Martin Horn

Attorney at law.

H0784-0053

Ri-Exhibit No.5

Copy.

From:

The Dictate of Versailles

by Professor Dr. Fritz Berber.

Pages 86/87

Note of the German Peace Delegation addressed to Clemenceau dated 23 June 1919 regarding the unconditional acceptance of the Peace terms.

Mr. President !

The Foreign Minister has instructed me to advise your Excellency as follows:

"The government of the German Republic has learned with deep emotion from the last note of the allied and associated governments that they are determined to extort from Germany with the utmost force also those peace terms which, without having any material importance, are only designed for the purpose of depriving the German people of its honor. The honor of the German people will not be touched by an act of violence. After the terrible sufferings of the last years the German people lacks every means to defend this honor against the outside. Yielding to the overwhelming force and without renouncing its opinion about the unheard-of injustice of the peace terms, the government of the German Republic declares that it is willing to accept and sign the peace terms imposed by the allied and associated governments."

Please accept, Mr. President, the expression of my highest esteem

von Haniel

Copy certified by:

(signed) Dr. Horn

Dr. Martin Horn

attorney

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H0784-0054

Ri-Exhibit No. 6

Copy.

HENDERSON

a Leader of the English Labor Party and then Minister of the Interior in his Speech in Burnley on 23 February 1942

admitted:

"that the treaty of Versailles, no doubt, was in contradiction to the principles of the agreement made before the armistice, by virtue of which Germany surrendered."

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Copy certified by:

(signed) Dr. Horn

Dr. Martin Horn

attorney.

H0784-0055

Ri - Exhibit No.7

Copy

from the White Book No.2: Documents on the history preceding the war

No. 1

From the Memorandum of the British Prime Minister Lloyd George.
25 March 1919

"Some Considerations concerning the peace conference, before the final determination of the terms "

.....The maintenance of peace will depend upon the fact that there are no causes for despair which will constantly stimulate the spirit of patriotism, of justice and of "fair play". Our terms may be hard, even cruel and without pity, to give us satisfaction, but at the same time they can be so just that the people on which they have been imposed feel in their heart that they have no reason to complain. But injustice and arrogance applied in the hour triumph will never be forgotten and forgiven.

For these reasons I am most strictly opposed to remove more Germans than absolutely necessary from the German sovereignty to submit them to the sovereignty of another nation. I cannot imagine a stronger cause for a future war than that the German people, which no doubt has proven to be one of the strongest and most powerful races of the world, would be surrounded by a number of small states, many of which consist of people who never before had set up a stable government but each of which includes large numbers of Germans who are demanding reunion with their home country. The suggestion

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of the Polish Commission to subject 2.loo.ooo Germans to the supervision of a people of a different religion, who never in the course of its history has proven its ability to have a stable self government, must, in my opinion, lead sooner or later to another war in Eastern Europe.....

Copy certified:

(signed) Dr. Horn

Dr. Martin Horn

Attorney

H0784-0057

Ri-Exh. Nr. 8

C o p y

from Documents of German Politics, Volume 4

pp. 137/144

13. Address of Ambassador v. Ribbentrop at the 91st session of the League of Nations Council in London concerning the Soviet Pact, Locarno Pact and the German peace plan, delivered during the morning of 19 March 1936.

Mr. President! The German Reich government has accepted the invitation of the League of Nations Council to participate in today's session in the endeavour to make its contribution towards the clarification of the existing political situation. It has directed me to present to the attending statesmen its point of view with regard to the motions of the French and Belgian governments concerning the Rhine Pact of Locarno, now on the agenda. In this connection, it has decided after long inner deliberations to set aside its understandable formal misgivings which could result from the fact that Germany is not a member of the League of Nations at present, as well as from the fact that today's agenda is based on the stipulations of a treaty which Germany must regard as extinct through no fault of hers.

I myself have accepted this mission with real satisfaction. I am filled with the conviction that in a higher sense a more just cause of a nation has never been represented before this council of nations. and furthermore in the sincere hope that this first resumption of relations of my country to the League of Nations may mean a turning point in the history of Europe after the manifold confusions of the wretched war and post war years.

The basic German attitude towards the problem of Locarno which is being discussed today, was presented exhaustively to the world public in the speech of the German Reich Chancellor of 7 March. The fact, however, that the motions of the French and Belgian governments being deliberated upon today could present themselves makes it necessary for me

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to present before the Council once more in short the German point of view regarding this problem so that the grave reasons which forced Germany to take the well known step of 7 March will be fully appreciated when he Council pass as a resolution in this matter.

It was the idea of the Rhine Pact of Locarno to bar for all time the use of force between France and Belgium on one hand, and Germany on the other hand. This agreement was guaranteed by England and Italy. It was confirmed that the League of Nations was to be called upon in case of a violation of this treaty in order to establish the aggressor.

It is a known fact that already at that time certain difficulties arose from the already existing treaties of alliance of France with Poland and Czechoslovakia which by their very nature did not seem to fit into the framework of these strictly defined Western peace agreements. Germany finally acquiesced to these alliances because they adjusted themselves structurally to the Locarno Pact.

This Locarno Pact, however, which was taken over by the new national socialist government, imposed a onesided infinitely difficult obligation on Germany by retaining the demilitarisation of the Rhineland dictated in the Treaty of Versailles. One of the most important and most densely populated areas of the German Reich was thus supposed to remain without any military protection whatsoever.

I believe that from the view point of higher justice such a permanent restriction of the most primitive rights of sovereignty represents by its very nature an intolerable demand upon a people. If the German nation, nevertheless, tolerated this state of affairs for so many years it did so in the expectation that the other partners of Locarno, too, would observe their considerably easier obligations at least as faithfully as Germany observed hers.

The German Reich Chancellor has repeatedly given public expression to this sentiment of the entire German nation since taking over the government in 1933.

H0784-0059

What happened now?

In the course of the past year one of the partners to this pact, France, began to form increasingly closer relations with the Soviet Union. Serious reports came in concerning a French - Soviet Russian military alliance, at the same time, however, also concerning a similar one between Russia and Czechoslovakia. For a long time these reports were not clear. Sometimes they were denied, then admitted and again denied until one day the new French - Soviet Russian military alliance was announced to the surprise of the other powers which until that time had been kept in the dark about it, at least officially.

The frightening meaning and consequent effects of this alliance on Germany, however, arise from the following grave considerations:

1. This alliance signifies the joining of 2 countries, which including the colonial territories able to furnish military aid comprise about 275.

2. The two parties to this alliance are each in its own right regarded as the strongest military powers of the world at the present time.

3. This alliance is directed exclusively against Germany.

4. Soviet Russia which, separated from Germany by wide spaces, could not at all be attacked by her indirectly pushed her borders right up to Germany by means of an analogous treaty of military alliance with Czechoslovakia.

5. According to this alliance France and Russia appoint themselves the judges in their own affairs by independently determining the aggressor if occasion arises without resolution or recommendation on the part of the League of Nations and thereby are able to instigate a war against Germany at their own discretion.

This strict obligation of the two countries is clearly and unequivocally evident from paragraph 1 of the signatory protocol to the treaty of alliance.

In other words: In a given case France may decide at her own discretion whether Germany or Soviet Russia is the aggressor. She

H0784-0060

She only reserves the right not to have to expose herself through her military actions based on her own decision to sanctions on the part of the powers guaranteeing the Rhine Pact, namely England and Italy.

From a legal and "realpolitical" point of view this objection is meaningless.

In terms of law: If France determines the aggressor herself, how will she then be able to foresee which attitude the powers guaranteeing the Locarno Pact will afterwards assume towards her decision? The answer to the question whether France would have to fear sanctions in such a case depends in practice not only on the faithful adherence to the pact by the guarantors - which the German Government does not doubt in any way - but also on various prerequisites of a purely factual nature, the probability or improbability of which cannot be perceived in advance.

In addition, the evaluation of the relationship between the new treaty of alliance and the Rhine Pact cannot possibly be based on the treaty relationship between Germany and France on one hand and the guaranteeing powers on the other hand but alone on the immediate treaty relationship between France and Germany themselves. Otherwise one would have to demand from Germany to tolerate quietly every possible violation of the Rhine Pact by France, basing her confidence on the fact that the guarantors would have to provide for her security. That certainly wasn't the purpose of the Rhine Pact.

In terms of Real politics: When being attacked by a superior military coalition as a consequence of a decision which is incorrect, having been cast on somebody's own volition, it is an inconsequential consolation to a country to obtain its right through subsequent sanctions against the aggressors condemned by the League of Nations Council. For what kind of sanctions could actually hit such a gigantic coalition which reaches from East Asia to the Channel? These two countries are such powerful and important members and especially militarily strong factors of the League of Nations that according to all practical deliberations sanctions against them would be unthinkable from the start.

Therefore, this second restriction dealing with the consideration of eventu sanctions

H0784-0061

is wholly inconsequential from a "real" political view.

I now ask the members of this Council to realize not only the legal, political and practical consequences of this obligation on the part of France to act independently, but to ask yourselves above all whether the opinion can be advocated that the German government which signed the Locarno Pact would have ever taken upon it the obligations of this Pact, had it contained such one-sided stipulation as they later developed.

Through the Rhine Pact Germany and France have renounced the use of force in their mutual relationship. As already mentioned Germany has resigned herself to the fact of the mutual assistance pacts with Poland and Czechoslovakia, which were already in existence at the conclusion of the Rhine Pact and the contents of which had been adjusted to that pact. However, to interpret the Rhine Pact afterwards in such a manner that it leaves the possibility open to one party to commit itself at will to new assistance obligations against the other party beyond the obligations already existing at the time of conclusion, is a matter of impossibility according to the firm conviction and legal conception of the German Reich Government as well as according to its political responsibilities towards the German nation. For these would result in the end in justifying France to intervene at will in any conflict of Germany with a third country. Thisway, however, such an unequal treaty relationship is demanded of Germany, having no military alliances herself, that no country could reasonably enter it.

If, at the time, of the conclusion of the Locarno Pact, such an interpretation had been accepted, it would have been set down in the thorough and detailed formulation of the various points. Until the conclusion of French-Russian treaty no attempt has ever been made to read such an interpretation into it. At any rate, the German goverment - and it alone is competent in this manner - is obliged to declare on its behalf that the Rhine Pact would have never been concluded under these conditions.

H0784-0062

For if such opinions had existed at that time, it would have been the duty of the parties to the treaty to call its (the German government's) attention to it. However, this was done neither at that time nor at any point before the moment France extended the interpretation of the Locarno Pact which thereby destroyed its original intention.

The French-Soviet Russian alliance means, however beyond that also - in the German government's view of history - a complete elimination of the hitherto existing European balance of power and consequently of the fundamental political and legal conditions under which the Locarno Pact was concluded at that time.

But the French government's claim that this new pact had been necessary to counterbalance German rearmament is founded on a mistake as can be seen from the fact that the Locarno Pact was based on the presupposition of re-establishing the military equality between Germany and France by setting forth, in its concluding statement, the obligation of France as well as of other countries to follow the German disarmament. And it was only because France declined to bring about the equality in armament in this manner that Germany was forced to reach by means of her method, the objective of an actual balance of power as had been set down in Locarno itself.

At this point, I need not state especially that Germany naturally did not sign any alliances on her part.

Therefore, the German government is of the opinion that the French-Soviet Russian treaty is literally and politically incompatible with the West-European Security System as established in Locarno and that, consequently, the Rhine Pact of Locarno had been violated and thus abrogated, through France's unilateral actions.

As is known to the members of the Council, immediately after the publication of the French-Soviet Russian treaty, Germany called the incompatibility of this alliance with the Rhine Pact of Locarno to the attention of the other signatory powers to the latter treaty. Also during the ensuing diplomatic negotiations, she retained this standpoint.

H0784-0063

Nevertheless, France adhered tc these facts as they were and finally made preparati·ns fcr the ratificaticn by the French legisl·tive bcdies.

The German Reich Chancellcr could nct watch such a development fcrever withcut taking actien. In all the years since taking cver the gc vernment he has always extended his hand tc bring abcut a recenciliatien. Tc the whcle wcr'd he made a great number cf cffers fcr the sake cf peace.

The cffer cf absclute disarmament: It was rejected.

The cffer cf a universally equal 2CC,CCC men army: It was rejected.

The cffer cf 3CC,CCC men army: It was rejected.

The cffer cf an Air Pact was rejected cn the grcunds that such a treaty cculd cnly be cencluded in cennectien with the signing cf an East pact demanded cf Germany.

The cffer of a plan fcr securing peace cn a large scale fcr Eurcpe made on 21 May 1935: It was simply passed cver with the exceptien cf that prcpcsitien which was later became the basis cf the English-German Naval Agreement.

Again and again the German Reich Chancellcr submitted his cffers aiming at securing peace and - I may say it here - he and the whcle cf Germany hoped that the Russian-French treaty wculd nct be ratified. When, nevertheless, the French Chamber recently ratified it, the German Reich Chancellcr, aware cf the heavy respcnsibility resting upcn him with reg rd tc the fate and security cf the pecple entrusted tc him, finally drew the cnly pcssible cenclusicn frcm France's step. Whereupcn he re-established the Reichs full scvereignty cver the entire Reich territcry. Decisive fcr this decisicn by th. German gcvernment was the dutiful pclitical cnsideratien cf the fact th t

1) the Rhine Pact cf Lccarnc had lcst its meaning and had thus been abrcgated because cf the partial actien cf France

H0784-0064

2) in view of the new French-Russian military alliance, Germany had, without further delay, to re-establish the most primitive rights of a nation for the security of its own territory.

Therefore, the German Reich government must reject as unjust and unfair the charge of having unilaterally violated the Pact of Locarno. It was indeed no longer possible for her to violate a treaty which on account of the other party's action had to be considered expired de facto.

Furthermore, it is not possible for one party to act in violation of the wording and meaning of a treaty, but to hold the other party to this wording and meaning.

On 7 March, Germany did no more than draw her conclusions, natural for a great power, from a situation brought about without her fault. I am of the firm conviction that every one of the statesmen present here who are aware of their responsibility and who love their peoples just as much as the Fuehrer does, would have acted in the same way in the same situation.

On behalf of the German Reich Cabinet I must also state here the following: If suddenly a country concludes a military alliance against another one this is at least just as much of a new situation as is the ensuing reaction of the country threatened in this manner. Especially, if this reaction consists in nothing but the re-establishment of the full sovereignty within its own borders. If, therefore, the charge of a unilateral action is being made, Germany would have to reject this charge so long as it is not also directed at France. It is true that in this connection the representatives of the French government pointed out that Germany had had the possibility or even the duty to take first the question of the compatibility of incompatibility of the new military alliance with the Rhine Pact before an international court; and the question of settling the difference of opinions by an arbitration committee has again been put up for discussion by a few representatives of the Council.

H0784-0065

I do not want to insist on the question why, in view of the German remonstrations, France did not on her part take this road before the alliance was put into effect. Neither do I want to deepen the question whether it would be possible to submit the extent of applicability of a provision like the one of Article 16 of the Statute of the League of Nations - for this would be the question in our case - to a court for a decision. With regard to all the preceding questions it suffices in my opinion to point out the decisive fact that this is a problem which aside from its legal side undoubtedly is of paramount political importance and the competent clarification and settlement of which can consequently not be expected of a court.

Neither would the German government - and I want to state it here with sincere regret - have been able to expect a success from settling the matter by the means of negotiations with the signatory powers. After all the experiences of the last years and according to the whole development which things took through no fault of the German government, the latter realized that this road would not have led to a practical end. The French government and also the governments of the other signatory powers, for reasons unknown to us, passed over the German arguments so that today it is still incomprehensible to the German government. The German government was sure of two things:

1) France was no longer prepared to desist from the treaty with the Soviet Union and

2) France would not be prepared to grant Germany, in exchange for putting this alliance into effect, the only equivalent under the circumstances, namely, the re-establishment of the German sovereignty over the Reichs Western provinces.

This could not be counted on at all after the numerous bad experiences which - as I already mentioned - Germany has for years had with her proposition

But it is also clear that if a great power such as France can without misgivings decide to enter of her sovereignty, another great power like Germany is at least entitled

H0784-0066

to ensure the protection of the whole Reich territory by re-establishing the natural rights of sovereignty which are granted to all peoples.

Copy certified by:

(signed) Dr. Horn
Dr. Martin Horn

Attorney-at-Law.